

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on November 16, 2010, and the references cited therewith.

Claims 4-9 and 13-18 remain pending in this application.

35 USC § 103 Rejection of the Claims

Claims 4, 7, 13 and 16 were rejected under 35 USC § 103(a) as being unpatentable over Ellis et al. (U.S. Publication No. 2004/0181814 A1) in view of Arad et al. (U.S. Publication No. 2005/0081245 A1) in view of Allport (U.S. Patent No. 6,567,984) in view of Silver et al. (U.S. Patent No. 6,876,970).

Claims 5, 6, 8, 9, 14, 15, 17 and 18 were rejected under 35 USC § 103(a) as being unpatentable over Ellis et al. in view of Arad et al. in view of Allport in view of Silver et al. as applied the claims 4, 7, 13 and 16, and further in view of Bates et al. (U.S. Patent No. 6,681,396).

With respect to claim 4, this claim recites determining, via a remote control, a last channel to which a television was tuned prior to the television being turned off. The Examiner first argues that Ellis teaches the determining of a channel to which a television was tuned. This reference, however, does not disclose or suggest such a determination made by a remote control. Nor does this reference disclose such a determination made with regard to the channel to which a television was tuned prior to the television being turned off. The Examiner appears to argue that the Arad reference makes up for this deficiency, citing paragraph 0009 of this latter reference. This passage, however, appears to discuss the determination of the channel to which a VCR was tuned, then determining the program on that channel and re-modulating the video for that program. Arad does not disclose or suggest a determination, by a remote control, of a channel that was previously accessed, and does not disclose or suggest the determination of a channel to which a television was tuned prior to the television being turned off. The Examiner also appears to argue that the Allport reference makes up for these deficiencies. This reference appears to disclose determination, with a remote control, a channel to which a television had been tuned prior to a swap of programs displayed on a TV and on a remote control's display. This reference does not disclose or suggest determining, via remote control, a last channel to which a television was tuned prior to the television being turned off. The Examiner argues that Silver teaches a method wherein the last channel tuned was the channel tuned before the television was turned

off. The cited passage in Silver, however, discloses a receiver that knows the last channel accessed. Silver does not disclose or suggest a determination, by a remote control, of a last channel to which a television was tuned prior to the television being turned off.

Moreover, the Examiner argues that Ellis discloses that "if a tuner in the media center set top box is not available for the television, from the media center set top box, an indication identifying a cable channel that was most recently STB turned channel for the television" . This, however, is not the recitation of claim 4. This claim recites

"if a tuner in the media center set top box is not available for the television, then receiving at the remote control, from the media center set top box, an indication identifying a cable channel that was most recently RF-remodulated for transmission on the RF-remodulated channel for the television;"

This is not disclosed or suggested by Ellis. In particular, this reference does not disclose or suggest that the recited indication is received at the remote control. Nor is this latter feature disclosed or suggested by Arad or by the other cited references.

Claim 4 therefore includes features that are either disclosed nor suggested by the cited references. For least these reasons, this claim is not rendered obvious by these references, whether considered alone or in any reasonable combination.

The Examiner has also rejected claims 5 and 6. Claims 5 and 6 depend from claim 4 and therefore include all features thereof. Given that claim 4 includes features that are not disclosed or suggested by the cited art, each of claims 5 and 6 includes features that are not disclosed or suggested by these references. For least to this reason, neither of claims 5 and 6 is obvious over the cited references, whether these references are considered alone or in any reasonable combination.

The Examiner has also rejected claim 7, using the same arguments as presented in the rejection of claim 4. As noted above, claim 4 includes features that are not disclosed or suggested by the cited art; the analogous features of claim 7 are likewise not disclosed or

suggested by the cited art. For least these reasons, claim 7 is not obvious over the cited references, whether considered alone or in any reasonable combination.

The examiner has also rejected claims 8 and 9. Claims 8 and 9 depend from claim 7 and therefore include all features thereof. Given that claim 7 includes features that are not disclosed or suggested by the cited art, each of claims 8 and 9 includes features that are not disclosed or suggested by these references. For at least this reason, neither of claims 8 and 9 is obvious over the cited references, whether these references are considered alone or in any reasonable combination.

The Examiner has also rejected claim 13, using the same arguments as presented in the rejection of claim 4. As noted above, claim 4 includes features that are not disclosed or suggested by the cited art; the analogous features of claim 13 are likewise not disclosed or suggested by the cited art. For least these reasons, claim 13 is not obvious over the cited references, whether considered alone or in any reasonable combination.

The Examiner has also rejected claims 14 and 15. Claims 14 and 15 depend from claim 13 and therefore include all features thereof. Given that claim 13 includes features that are not disclosed or suggested by the cited art, each of claims 14 and 15 includes features that are not disclosed or suggested by these references. For at least this reason, neither of claims 14 and 15 is obvious over the cited references, whether these references are considered alone or in any reasonable combination.

The Examiner has also rejected claim 16, using the same arguments as presented in the rejection of claim 4. As noted above, claim 4 includes features that are not disclosed or suggested by the cited art; the analogous features of claim 16 are likewise not disclosed or suggested by the cited art. For least these reasons, claim 16 is not obvious over the cited references, whether considered alone or in any reasonable combination.

The Examiner has also rejected claims 17 and 18. Claims 17 and 18 depend from claim 16 and therefore include all features thereof. Given that claim 16 includes features that are not disclosed or suggested by the cited art, each of claims 17 and 18 includes features that are not disclosed or suggested by these references. For at least this reason, neither of claims 17 and 18 is

obvious over the cited references, whether these references are considered alone or in any reasonable combination.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (301) 421-1449 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-4238.

Respectfully submitted,

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